

#3
COPY OF PAPERS
ORIGINALLY FILED

PATENT



Attorney's Docket No. 5839-2 (42960/196219)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Kipp *et al.*
Appl No.: 10/029,065 Confirmation No. 5324
Filed: December 20, 2001
For: PLANT MSH2 SEQUENCES AND METHODS OF USE

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

SUBMITTAL OF DECLARATION
UNDER 37 C.F.R. § 1.63

Sir:

Enclosed is a Declaration and Power of Attorney for the above-identified patent application that has been executed by the named inventors.

A check in the amount of \$130 is also enclosed to cover the surcharge under 37 C.F.R. § 1.16(e). Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

W. Murray Spruill
Registration No. 32,943

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **Box Missing Parts**, Commissioner for Patents, Washington, DC 20231, on May 14, 2002.

Polly P. Burton

RTA01/2117134v1

As a below named inventor, I hereby declare that:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PLANT MSH2 SEQUENCES AND METHODS OF USE,

the specification of which

☐ is attached hereto

OR

☒ was filed on 12/20/01 as United States Application No. 10/029,065.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

NONE			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

NONE	
Application Number	Filing Date (MM/DD/YYYY)
Application Number	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. § 1.63(d)).

NONE		
Application No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:


Customer Number 00826

Direct telephone calls to: W. Murray Spruill
Registration No. 32,943
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

Full name of first inventor: Peter B. Kipp
Inventor's
Signature: Peter B. Kipp Date: 5/8/02
Residence: Houston, TX
Citizenship: United States of America
Mailing Address: 4623 Devon, Houston, TX 77027

Full name of second inventor: Gregory D. May

Inventor's

Signature: 

Date: 04/30/02

Residence:

Ardmore, OK

Citizenship:

United States of America

Mailing Address:

2510 Sam Noble Parkway, Ardmore, OK 73402

Full name of third inventor: Pramod B. Mahajan

Inventor's
Signature: PB Mahajan Date: 5/6/02

Residence: Urbandale, IA

Citizenship: United States of America

Mailing Address: 8029 Brookview Drive, Urbandale, IA 50322

Full name of fourth inventor: Christopher L. Baszczynski

Inventor's

Signature: Chris L. Baszczynski

Date: 5/3/2002

Residence:

Urbandale, IA

Citizenship:

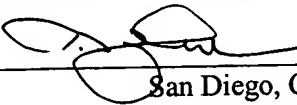
Canada

Mailing Address:

7305 Benton Drive, Urbandale, IA 50322

Full name of fifth inventor: Tong Zhu

Inventor's

Signature: 

Date: 5/1/2002

Residence:

San Diego, CA

Citizenship:

~~Peoples Republic of China~~ USA

Mailing Address:

3115 Merryfield Row, #100, San Diego, CA 92121